

**BEFORE THE IOWA BOARD OF PHARMACY**

RE: CSA Registrations of  <b>UNITED COMMUNITY SERVICES</b> Registration No. 3600001 Registration No. 3500012 Respondent	CASE NOS. 2020-0063 & 2020-0088  <b>COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER</b>
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**COME NOW** the Iowa Board of Pharmacy ("Board") and United Community Services ("Respondent"), and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10, 124.305, and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 124, and 272C, and 657 IAC 10.

**A. STATEMENT OF CHARGES**

**COUNT I**

**FAILURE TO TIMELY REPORT LOSS**

1. Respondent is charged with failing to timely report any theft or significant loss of controlled substances in violation of 657 IAC 10.21, and may be disciplined pursuant to Iowa Code section 124.304(1)(d), and 657 IAC 10.44(5) and 36.6(21).

**COUNT II**

**FAILURE TO MAINTAIN ACCOUNTABILITY OF CONTROLLED SUBSTANCES AND RECORDS**

2. Respondent is charged with failing to maintain ultimate accountability of controlled substances and records maintained at the registered location in violation of 657 IAC 10.14, and may be disciplined pursuant to Iowa Code section 124.304(1)(d), and 657 IAC 10.44(5) and 36.6(21).

**B. FACTUAL CIRCUMSTANCES**

3. Respondent holds CSA registration number 3600001 for its operations at 211 Ave M West in Fort Dodge, which is currently active through May 31, 2022.

4. Respondent holds CSA registration number 3500012 for its operations at 1619 S High Ave in Ames, which is currently active through May 31, 2022.

5. At the Fort Dodge location, Respondent experienced a significant loss of methadone in June 2019 that was not reported until May 2020.

6. At the Ames location, Respondent mishandled a methadone stock bottle in March 2020 that resulted in the inability to account for the methadone.

7. Investigations revealed that Respondent failed to take the necessary steps to minimize the risk of loss of methadone and failed to properly maintain documentation regarding accountability at both registered locations.

### C. SETTLEMENT AGREEMENT AND FINAL ORDER

8. The Board has jurisdiction over the parties and the subject matter of these proceedings.

9. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

10. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

11. Respondent acknowledges that it has the right to be represented by counsel on this matter.

12. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

13. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

14. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

15. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

16. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

17. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

**IT IS THEREFORE ORDERED:**

18. Respondent's CSA registrations are placed on **PROBATION** for a period of eighteen (18) months, subject to the following terms:

- a. Within thirty (30) days of this Order, Respondent shall pay a **CIVIL PENALTY** in the amount of three thousand dollars (\$3,000). The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8<sup>th</sup> St, Ste E, Des Moines IA 50309.
- b. On a monthly basis, Respondent shall conduct a physical inventory of methadone and reconcile with the perpetual inventory, review security cameras to ensure proper placement, review policies and procedures pertaining to accountability of methadone, and implement appropriate corrective actions for any losses.
- c. On a quarterly basis, Respondent shall submit a quarterly report detailing its compliance with the requirements in paragraph b and a copy of its current Schedule II perpetual inventory to the Board.
- d. Respondent is responsible for ensuring all required quarterly reports are submitted to the Board in a timely manner. The quarterly reports are due by March 5<sup>th</sup> (reporting on December-February), June 5<sup>th</sup> (reporting on March-May), September 5<sup>th</sup> (reporting on June-August), and December 5<sup>th</sup> (reporting on September-November).
- e. Respondent's representative shall appear before the Board upon request for purposes of evaluating performance of the probationary period. Respondent shall be given reasonable notice of the date, time, and place for such appearances.
- f. Respondent shall abide by all state and federal laws and regulations governing controlled substance registrants. Respondent shall operate in accordance with applicable policies and procedures.
- g. Any documentation required to be submitted to the Board pursuant to this Order should be emailed to [Amanda.Woltz@iowa.gov](mailto:Amanda.Woltz@iowa.gov) by the specified deadline unless otherwise directed.

19. Should Respondent violate the terms of this Order, the Board may initiate action to impose other discipline, including registration revocation, as authorized by Iowa Code chapter 124 and 657 IAC 10.

By the signature below, signatory acknowledges they are authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

01/21/2021  
Date

Jennifer Pearson  
UNITED COMMUNITY SERVICES  
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on March 10, 2021.



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Chairperson  
Iowa Board of Pharmacy